

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TABITHA J. CORLIS,  
Plaintiff,

3:11-CV-847-BR

ORDER

v.

MICHAEL J. ASTRUE,  
Commissioner of Social  
Security,

Defendant.

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**BROWN, Judge.**

This matter comes before the Court on Plaintiff Tabitha J. Corlis's Amended Application (#25) for Attorney Fees in which she seeks \$2,050.00 in attorneys' fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, and her retroactive Second Motion (#26) for Extension of Time.

On July 25, 2012, Plaintiff filed her Second Motion for Extension of Time in conjunction with her Amended Application for Fees, which was filed five days past the July 20, 2012, deadline the Court set when it granted Plaintiff's prior request for an extension of time. Although the Court finds the explanation for the delay by Plaintiff's counsel to be an unpersuasive excuse, in the exercise of its discretion the Court **GRANTS nunc pro tunc** Plaintiff's Second Motion (#26) for Extension of Time and **deems** Plaintiff's Amended Application (#25) to be timely filed.

The Court notes the attorneys' fees sought by Plaintiff's counsel were originally stipulated to by the Commissioner, but

the Commissioner now opposes Plaintiff's Amended Petition based on repeated delays by Plaintiff's counsel. Although the Court finds the explanation of Plaintiff's counsel of a computer or software malfunction to be an unlikely explanation for the delays in this matter, the Court, nevertheless, does not find any basis in this record to deprive Plaintiff of the fees that she otherwise earned. Accordingly, in the exercise of its discretion, the Court **GRANTS** Plaintiff's Amended Application (#25) for Attorney Fees pursuant to EAJA and **awards** Plaintiff attorneys' fees in the amount of **\$2,050.00**.

IT IS SO ORDERED.

DATED this 30th day of July, 2012.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge